

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWIN BAEZ,

Defendant.

8:22CR135**ORDER**

This matter is before the Court on the government's Motion to Dismiss Bill of Particulars (Filing No. 85). A grand jury indicted (Filing No. 18) defendant Edwin Baez ("Baez") on June 14, 2022, on two counts of distribution of cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(c), one count of possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841 (a)(1) and (b)(1)(B), and one count of possession of a firearm in furtherance of those drug offenses, in violation of 18 U.S.C. § 924(c)(1)(A)(i). The Indictment also included a forfeiture allegation.

On November 18, 2022, the government filed a Bill of Particulars of Specific Property Subject to Forfeiture (Filing No. 37), alleging that \$104,653 in United States currency and a 2018 Dodge Charger were subject to forfeiture. Pursuant to a plea agreement between the government and defendant Edwin Baez ("Baez"), Baez has agreed, among other things, to waive indictment (Filing No. 77) and plead guilty to an information (Filing No. 75) that charged one count of possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841 (a)(1) and (b)(1)(C), and one count of possession of a firearm in furtherance of that drug offense, in violation of 18 U.S.C. § 924(c)(1)(A)(i). Baez also agreed to forfeit the currency but not the car all in exchange for the government's dismissal of the Indictment and the Bill of Particulars at the time of sentencing. On February 15, 2024, the Court entered a Preliminary Order of Forfeiture as to the currency (Filing No. 83).

The government now requests early dismissal of the Bill of Particulars. According to its motion, the government wishes to “avoid further storage expenses for the” car, which is no longer subject to forfeiture under the agreement with Baez. Given the circumstances, including the parties’ existing agreement, the Court permits this early dismissal. *See* Fed. R. Crim. P. 48(a) (providing that “[t]he government may, with leave of court, dismiss an indictment, information, or complaint”). Accordingly,

IT IS ORDERED:

1. The government’s Motion to Dismiss Bill of Particulars (Filing No. 85) is granted.
2. The Bill of Particulars (Filing No. 37) is dismissed.

Dated this 1st day of April 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge